

REMARKS

Claims 1-35 are pending in the present application. Applicants have amended Claims 1 and 11, and added Claims 31-35 herewith. Consideration and reconsideration of the pending claims is respectfully requested.

Amendments were made to the specification to clarify the related applications specified on the specification. No new matter has been added by any of the amendments to the specification.

I. 35 U.S.C. § 102, Anticipation

The Examiner rejected Claims 1-3, 5, 7-13, 15, 17-23, 25, and 27-30 under 35 U.S.C. § 102 as being anticipated by Greg Murphy (USPN 6,564,380). This rejection is respectfully traversed.

For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Applicants urge that every element of the claimed inventions recited in Claims 1-3, 5, 7-13, 15, 17-23, 25, and 27-30 is not identically shown in the cited Murphy reference, and thus Claims 1-3, 5, 7-13, 15, 17-23, 25, and 27-30 are not anticipated by such reference, as will now be described in detail.

With respect to Claim 1, such claim has been amended to clarify what is meant by a leasehold. *The cited reference does not teach any type of leasehold*, and therefore does not teach or suggest the claimed step of “partitioning the system management information based on at least one leasehold of the plurality of network devices.” Thus, it is shown that Claim 1 is not anticipated by the cited reference.

The invention of Claim 1 is directed to a unique ability to partition a particular type of information with respect to a plurality of network devices, the particular type of information being system management information. System management information for the plurality of network devices is received. This system management information is partitioned. Uniquely, the partitioning of this system management information is based on at least one leasehold of the plurality of network devices. The cited reference does not teach partitioning of system management information, or the particular way in which the

system management information is partitioned (based on at least one leasehold of the plurality of network devices). In rejecting Claim 1, the Examiner states that the cited Murphy reference teaches the claimed partitioning step at Murphy col. 14, lines 5-25. Applicants show that there, Murphy states:

A major bottleneck is the available bandwidth in accessing and transmitting large video data files or streaming video to meet multiple requests at the same time. For example, to support thousands of viewers during peak usage, conventional video-on-demand systems must employ multiply redundant, high-speed video data processors and large arrays of disk storage media, which is very costly. The present video feed management system can be configured to handle multiple requests from clients by multicasting a video feed from a source PoP server to the other PoP servers for temporary storage there to meet requests from clients near the respective PoP server locations. Referring to FIGS. 1 and 4, upon receiving requests from multiple clients for the same video feed, the Master server can grant access to multiple requesting parties in different regions of the world through multicasting to local PoP servers and establishing Publishing Points for transmission to requesting parties in those regions. This would not only allow multiple requests for the same video feed to be handled at the same time, but it would ensure that the download or streaming transmission to multiple clients was handle through the quickest and shortest transmission paths.

As can be seen, this cited passage describes a problem with meeting peak demands in a video-on-demand system, with a proposed solution to such problem being to multicast a video feed from a source server to other servers for temporary storage. This cited passage does not teach the claimed partitioning step for at least two reasons.

First, a video stream presented to a user in a video-on-demand system is commonly known to be a video broadcast viewable on a video monitor or television. This video stream cannot reasonably be interpreted to be system management information. Second, and even assuming arguendo that this video stream is system management information (which Applicants urge it is not), this video stream is not partitioned. Rather, it is replicated at a plurality of local server locations. Third, and even assuming arguendo that this replication of a video stream is a partitioning of system management information (which Applicants urge it is not) this replication of video streams to a plurality of local servers is not based at least one leasehold of the plurality of

network devices. Rather, it is based “upon receiving requests from multiple clients for the same video feed” (Murphy column 14, lines 16-22). Therefore, there are at least three reasons, as described above, why all claimed features of Claim 1 are not identically shown in a single reference. Therefore, it is urged that Claim 1 is not anticipated by the cited reference.

Applicants initially traverse the rejection of dependent Claims 2, 3, 5 and 7-10 for similar reasons to those given above with respect to Claim 1 (of which Claims 2, 3, 5 and 7-10 depend upon).

Further with respect to Claim 2, such claim recites steps of “generating at least one document based on the partitioned system management information for each of the at least one leasehold” and “transmitting the at least one document to a management system of the at least one leasehold”. As described above with respect to Claim 1, the cited reference does not teach any type of leasehold, and therefore the cited reference cannot teach performing an action (generating at least one document) based upon partitioned system management information for each of the (missing) at least one leasehold. Further, since there is no teaching of a leasehold, it necessarily follows that there is no teaching of performing an action (transmitting the at least one document) to a management system of a (missing) at least one leasehold.

In rejecting Claim 2, the Examiner cites Murphy’s Abstract as teaching both of these steps (“generating” and “transmitting”) that are recited in Claim 2. Applicants urge that because this cited passage does not teach a leasehold, it necessarily follows that this cited passage does not teach “generating at least one document based on the partitioned system management information *for each of the at least one leasehold*” and “transmitting the at least one document *to a management system of the at least one leasehold*”. Thus, Claim 2 is shown to not be anticipated by the cited reference, as every element of the claimed invention is not identically shown in a single reference.

Further with respect to Claim 3, Applicants urge that the cited reference does not teach the claimed feature of “wherein transmitting the at least one document includes converting the document to a format useable by the management system”. In rejecting Claim 3, the Examiner states that this is taught by Murphy at col. 10, lines 15-35. Applicants show error, in that this passage describes conversion of digital control signals

used to remotely control a camera into a form compatible with the camera being controlled. In contrast, Claim 3 is specifically directed to a further refinement of the transmitting step recited in Claim 2. Claim 2 recites “*generating at least one document based on the partitioned system management information for each of the at least one leasehold*” and “*transmitting the at least one document to a management system of the at least one leasehold*”. Thus, Claim 2 recites that the document that is transmitted is based on the partition system management information for the leasehold. Claim 3 then states that this transmitted document, which is generated based on the partitioned system management information for the leasehold, is converted into a format usable by the management system. Conversion of remote control signals used to remotely operate a camera does not teach or otherwise suggest any type of *document transmission*, or the conversion of such document as a part of such transmission. Thus, Claim 3 is shown to have been erroneously rejected under 35 U.S.C. § 102 as every claimed element is not identically shown in a single reference.

Further with respect to Claim 5, such claim recites “wherein partitioning the system management information includes partitioning the system management information based on stored lease information”. The cited reference does not teach any type of stored lease information, and thus it necessarily follows that the cited reference does not teach partitioning the system management information *based on stored lease information*. In rejecting Claim 5, the Examiner cites Murphy col. 13, line 60 – col. 14, line 5 as teaching this claimed feature. Applicants urge that there, Murphy states:

In a commercial media-on-demand system, such as currently offered video-on-demand services, there may be thousands of users in a given service area requesting access to the system at the same time, particularly in the time slot after dinner known as “Prime Time”. Many of them may request access to the same titles which are current hits or new releases at the same time or within a short time of each other. To fill each request, the program must be delivered to the viewer as an uninterrupted stream of data. If VCR-like viewing functions are provided, the viewer may want to pause or accelerate the receipt of data.

As can be seen, this passage describes a media-on-demand system where many users concurrently request access to a system, and a requirement that requested programs must

be delivered to a viewer as an uninterrupted stream of data. In contrast, Claim 5 is directed to partitioning of system management information, where such partitioning of the system management information is *based upon stored lease information*. This cited passage does not teach any type of system management information, stored lease information, the partitioning of system management information, or that the partitioning of system management information based upon stored lease information. Thus, Claim 5 is shown to have been erroneously rejected under 35 U.S.C. § 102 as every claimed element is not identically shown in a single reference.

Further with respect to Claim 7, such claim is a further refinement of Claim 2, and Applicants initially traverse for similar reasons to those given above with respect to Claim 2. Still further with respect to Claim 7, such claim recites “wherein transmitting the at least one document includes sending the at least one document to a management system adapter that converts the document *to a format useable by the management system*”. The management system is defined in Claim 2 to be “a management system of the at least one leasehold”. The cited reference does not teach any type of leasehold, and thus does not teach any type of management system of such (missing) leasehold. In rejecting Claim 7, the Examiner cites Murphy col. 10, lines 15-35 as teaching this claimed feature of Claim 7. Applicants show that there, Murphy states:

Although similar in many of their functions, video cameras and video switchers commonly employ control code sets that may differ according to camera model, type, or brand. The digital control signals are converted to analog form (voltage levels) by an A/D converter 230 which outputs them to the respective camera or video switcher units.

Camera controller computers widely used in the security industry have been software-based and have been primarily employed for manual operator input on-site at the camera location. As interest has increased in remote control of cameras via Internet, there are currently under development so-called Custom Interface Modules (CIMs) configured as a hardware interface between an Internet connection and the control signal outputs to the video cameras. **The CIM has a hardwired layout to convert the control data coming from the Internet in standard text form (Manchester code) to analog control signals for directly controlling the camera.** The CIM can perform this conversion almost instantaneously, and greatly reduce the latency time for remote control via Internet. An example of a company that is developing hardware CIMs for

Internet-based remote camera control is Oasis Corp., of Branson, Mo.
(emphasis added by Applicants)

As can be seen, this passage describes use of an adapter to convert a received remote control signal to a form compatible with a camera that is being remotely controlled. This passage does not teach any type of *conversion of a document* into a form usable by a management system. Thus, Claim 7 is shown to have been erroneously rejected under 35 U.S.C. § 102 as every claimed element is not identically shown in a single reference.

Further with respect to Claim 8, such claim recites a feature of “wherein the system management information includes at least one of an identification of applications run under each of the at least one leasehold, a number of network devices on which the applications for each of the at least one leasehold were run, an amount of network bandwidth used by each of the at least one leasehold, and a level of success of running the applications under each of the at least one leasehold”. Thus, the system management information that is receiving and partitioned (per Claim 1) includes at least one of the items recited in Claim 8. In rejecting Claim 8, the Examiner cites Murphy col. 1, lines 50-65 regarding bandwidth as teaching this claimed feature. Applicants show error in such assertion, as the bandwidth recited in Claim 8 is “an amount of network bandwidth used by each of the at least one leasehold”, and is listed as being a part of system management information that is received and partitioned. The bandwidth discussed in the cited Murphy passage describes cable operators need to upgrade their plants to provide greater bandwidth in the future. This description by Murphy of *needing to increase bandwidth in the future* does not teach that this future bandwidth is a part of system management information that is received as per the claimed step of “receiving system management information for a plurality of devices” (Claim 1), and this description by Murphy of *needing to increase bandwidth in the future* does not teach that this future bandwidth is a part of system management information that is partitioned as per the claimed step of “partitioning the system management information based on at least one leasehold of the plurality of network devices” (Claim 1) . Thus, Claim 8 is shown to have been erroneously rejected under 35 U.S.C. § 102 as every claimed element is not identically shown in a single reference.

Further with respect to Claim 9, such claim recites “wherein the plurality of network devices are a plurality of thin servers in a thin server farm”. In rejecting Claim 9, the Examiner states that Murphy teaches a plurality of thin servers at col. 7, lines 29-40, including the master authorization server and local POP servers. The local POP servers are described by Murphy to be the points where local video feeds are transmitted to the master server. In other words, these local POP servers provide an input (video) to the master server. There is no system management information received from these POP servers (as per Claim 1), and in addition there is no partitioning of system management information based on at least one leasehold of these POP devices (as per Claim 1). Thus, Claim 9 is shown to have been erroneously rejected under 35 U.S.C. § 102 as every claimed element is not identically shown in a single reference.

Further with respect to Claim 10, such claim recites a feature of “wherein the plurality of network devices are a plurality of thin servers and wherein the method is implemented in a metaserver of a thin server farm”. As can be seen, Claim 10 recites that the method recited in Claim 1 is implemented in a metaserver. This method includes steps of “receiving system management information for the plurality of network devices” and “partitioning the system management information based on at least one leasehold of the plurality of network devices”. The cited reference does not teach a metaserver that implements these two steps. In rejecting Claim 10, the Examiner states that the cited Murphy reference teaches such a metaserver at Figure 5. Applicants have reviewed Figure 5 extensively, and there is no teaching in this Figure 5 of any metaserver that implements steps of “receiving system management information for the plurality of network devices” and “partitioning the system management information based on at least one leasehold of the plurality of network devices”. As described by Murphy at col. 12, lines 24-63, the Master Video List Server depicted in Figure 5 maintains a list of feed availability information sent to it by other servers. In addition, the master server can provide user functions such as search and query to assist with finding desired video feeds, or allow the user to profile the types of feeds it may want to access and send automatic notification when such feeds become available (Col. 12, lines 28-32). There is no teaching of any ability *to partition* system management information, received from a plurality of network devices, based on at least one leasehold of the plurality of network

devices. Rather, a master server merely maintains a list that is updated and searchable (Murphy col. 12, lines 16-20; lines 28-32). Thus, Claim 10 is shown to not be anticipated by the cited reference, as every claimed element is not identically shown in a single reference.

With respect to Claim 11, Applicants have amended such claim to recite “wherein a portion of one of the network devices is leased to a lessee and another portion of the one of the network devices is leased to another lessee”. The cited reference does not teach such multi-leasing of particular portions of a network device. Thus, amended Claim 11 is not anticipated by the cited reference. In addition, and for similar reasons to those given above with respect to Claim 1, the cited reference does not teach the claimed feature of “means for partitioning the system management information *based on at least one leasehold of the plurality of network devices*” (emphasis added), as expressly recited in Claim 11. Thus, Claim 11 is shown to not be anticipated by the cited reference.

Applicants initially traverse the rejection of Claims 12, 13, 15 and 17-20 for reasons given above with respect to Claim 11 (of which Claims 12, 13, 15 and 17-20 depend upon).

Applicants further traverse the rejection of Claim 12 for similar reasons to the further reasons given above with respect to Claim 2.

Applicants further traverse the rejection of Claim 13 for similar reasons to the further reasons given above with respect to Claim 3.

Applicants further traverse the rejection of Claim 15 for similar reasons to the further reasons given above with respect to Claim 5.

Applicants further traverse the rejection of Claim 17 for similar reasons to the further reasons given above with respect to Claim 7.

Applicants further traverse the rejection of Claim 18 for similar reasons to the further reasons given above with respect to Claim 8.

Applicants further traverse the rejection of Claim 19 for similar reasons to the further reasons given above with respect to Claim 9.

Applicants further traverse the rejection of Claim 20 for similar reasons to the further reasons given above with respect to Claim 10.

With respect to Claim 21, such claim recites a computer program product in a computer readable medium for partitioning system management information for a plurality of network devices, comprising first instructions for receiving system management information for the plurality of network devices; and second instructions for partitioning the system management information based on at least one leasehold of the plurality of network devices. The cited reference does not teach such a computer program product for partitioning system management information for a plurality of network devices. In rejecting Claim 21, the Examiner states that Murphy teaches such computer program product at col. 12, line 13 to col. 14, line 25 and col. 14, lines 5-25. Applicants have extensively reviewed these cited passages, and can find no teaching of a computer program product that comprises, in combination, the claimed first instructions for receiving and second instructions for partitioning. Thus, as every element of the claimed invention is not identically shown in a single reference, it is shown that Claim 21 has been erroneously rejected under 35 U.S.C. § 102.

Applicants further traverse the rejection of Claim 21 for similar reasons to those given above with respect to Claim 1.

Applicants initially traverse the rejection of Claims 22, 23, 25 and 27-30 for reasons given above with respect to Claim 21 (of which Claims 22, 23, 25 and 27-30 depend upon).

Applicants further traverse the rejection of Claim 22 for similar reasons to the further reasons given above with respect to Claim 2.

Applicants further traverse the rejection of Claim 23 for similar reasons to the further reasons given above with respect to Claim 3.

Applicants further traverse the rejection of Claim 25 for similar reasons to the further reasons given above with respect to Claim 5.

Applicants further traverse the rejection of Claim 27 for similar reasons to the further reasons given above with respect to Claim 7.

Applicants further traverse the rejection of Claim 28 for similar reasons to the further reasons given above with respect to Claim 8.

Applicants further traverse the rejection of Claim 29 for similar reasons to the further reasons given above with respect to Claim 9.

Applicants further traverse the rejection of Claim 30 for similar reasons to the further reasons given above with respect to Claim 10.

Therefore, the rejection of Claims 1-3, 5, 7-13, 15, 17-23, 25, and 27-30 under 35 U.S.C. § 102 has been overcome.

II. 35 U.S.C. § 103, Obviousness

The Examiner rejected Claims 4, 6, 14, 16, 24 and 26 under 35 U.S.C. § 103 as being unpatentable over Greg Murphy (USPN 6,564,380) in view of Nixon et al. (USPN 6,513,060). This rejection is respectfully traversed.

To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. *See also, In re Royka*, 490 F.2d 580 (C.C.P.A. 1974). Applicants will now show that all the claim limitations are not taught or suggested by the cited references.

With respect to Claims 4 and 6, and for similar reasons to those described above regarding Claim 1, Applicants urge that none of the cited references teach or suggest the claimed feature of “partitioning the system management information based on at least one leasehold of the plurality of network devices”. Thus, as all the claim limitations of Claims 4 and 6 are not taught or suggested by the cited references, a prima facie case of obviousness has not been established by the Examiner. If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Still further with respect to Claims 4 and 6, Applicants urge that the Examiner has improperly combined the two cited references used in rejecting such claims. Specifically, the Examiner is using improper hindsight in making this combination. As stated by the Federal Circuit, “virtually all [inventions] are combinations of old elements.” *Environmental Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 698, 218 USPQ 865, 870 (Fed. Cir. 1983); *see also Richdel, Inc. v. Sunspool Corp.*, 714 F.2d 1573, 1579-80, 219 USPQ 8, 12 (Fed. Cir. 1983) (“Most, if not all, inventions are combinations and mostly of old elements.”). Therefore an examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore,

rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be "an illogical and inappropriate process by which to determine patentability." *Sensonics, Inc. v. Aerosonic Corp.*, 81 F.3d 1566, 1570, 38 USPQ2d 1551, 1554 (Fed. Cir. 1996). To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. *In re Rouffet*, 149 F.3d 1350, 47 USPQ 2d 1453 (Fed. Cir. 1998).

In making this combination, the Examiner states that it would have been obvious to combine these two references "to have an efficient system that allows designers to create their own customized tags, enabling the definition, transmission, validation, and interpretation of data between applications and between organization". Applicants urge that such rationale for combining references must be coming from Applicants' own patent specification, and hence is an improper use of the present application in performing hindsight analysis, as the teachings of *Murphy* are directed to a video-on-demand distribution system to deliver video streams. There is no teaching of "designers" or any need of designers to "customize tags" to enable interpretation of data between applications and organizations. Such rationale for making the combination must therefore be coming from Applicants' own patent specification, which is improper hindsight analysis. It is error to reconstruct the patentee's claimed invention from the prior art by using the patentee's claims as a "blueprint". When prior art references require selective combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight obtained from the invention itself. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 227 USPQ 543 (Fed. Cir. 1985). Thus, Claims 4 and 6 are further shown to not be obvious in view of the cited references, and the Examiner is using improper hindsight analysis in making the combination.

Still further with respect to Claim 4, and even when making such improper combination as described above, there are still missing claimed features not taught or suggested by such improper combination of references. Specifically, this resulting improper combination does not teach or suggest the specifically recited feature of “*translating* the document from an extensible markup language document to one of an application program interface format and a remote program call format”. As can be seen, this claim recites a translating step, where the document is translated *from* an extensible markup language document *to* one of an application program interface format and a remote program call format. None of the cited references teach or suggest, nor has the Examiner alleged any teaching or suggestion of, such translation. The Examiner merely alleges that the cited Nixon reference makes mention of the existence of XML documents. Thus, a prima facie case of obviousness has not been established by the Examiner, as there are missing claimed features not taught or suggested by the cited references.

Still further with respect to Claim 6, and even when making such improper combination as described above, there are still missing claimed features not taught or suggested by such improper combination of references. Specifically, this resulting improper combination does not teach or suggest the specifically recited use of an XML document, and specifically does not teach or suggest “wherein *the stored lease information is received* as an extensible markup language document”. The Examiner merely alleges that the cited Nixon reference makes mention of the existence of XML documents. Thus, a prima facie case of obviousness has not been established by the Examiner, as there are missing claimed features not taught or suggested by the cited references.

Still further with respect to the rejection of Claim 6, Applicants traverse such rejection for similar reasons to those given above regarding Claim 5 (of which Claim 6 depends upon), and show that none of the cited references teach or suggest the claimed feature of “wherein partitioning the system management information includes partitioning the system management information based on stored lease information”.

Thus, as all the claim limitations of Claims 4 and 6 are not taught or suggested by the cited references, even when improperly combining such references using hindsight analysis, a prima facie case of obviousness has not been established by the Examiner. Thus, Claims 4 and 6 are shown to have been erroneously rejected.

Applicants traverse the rejection of Claims 14, 16, 24 and 26 for similar reasons to those given above with respect to Claims 4 and 6

Therefore, the rejection of Claims 4, 6, 14, 16, 24 and 26 under 35 U.S.C. § 103 has been overcome.

III. Newly Added Claims

Applicants have added Claims 31-35 herewith. Examination of such claims is respectfully requested.

IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: _____

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